BOARD MEETING	DATE: January 5, 2018	AGENDA NO. 9					
REPORT:	Hearing Board Report						
SYNOPSIS:	This reports the actions taken by the Hea period of November 1 through Novembe	6					
COMMITTEE:	No Committee Review						
RECOMMENDED ACTION: Receive and file this report.							

Julie Prussack Chairman of Hearing Board

DG

Two summaries are attached: November 2017 Hearing Board Cases and Rules From Which Variances and Orders for Abatement Were Requested in 2017. An Index of District Rules is also attached.

The total number of appeals filed during the period November 1 to November 30, 2017 is 0; and total number of appeals filed during the period of January 1 to November 30, 2017 is 3.

Report of November 2017 Hearing Board Cases

Case Name and Case No. (SCAQMD Attorney)		Rules	Reason for Petition/Hearing	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions		
1.	Bowerman Power LFG, LLC Case No. 6088-1 (M. Reichert)	203(b) 1110.2 1703 3002(c)(1)	Petitioner experiencing periodic NOx exceedances from new LFG to power system.	Not Opposed/Granted	RV granted commencing 11/7/17 and continuing through 7/12/18, or until final compliance is achieved, whichever comes first.	NOx TBD by 7/12/18		
2.	P. Kay Metal Inc. Case No. 6093-1 (S. Pruitt)	1420(e)(2)	Petitioner sought to delay necessary testing for lead emissions.	Opposed/Denied	Ex Parte EV denied.	N/A		
3.	SCAQMD vs. Sunshine Canyon Landfill Case No. 3448-14 (N. Sanchez & K. Manwaring)	N/A	Status Report	No Action	The Hearing Board received a status report and continued the hearing to 6/26/18.	N/A		
4.	SCAQMD vs. Everardo Avalos Lopez Case No. 6090-1 (B. Tomosavic)	203(a)	Respondent is operating unpermitted equipment.	Stipulated/Issued	O/A issued commencing 11/14/17 and continuing through 1/9/2020. The Hearing Board shall retain jurisdiction over this matter until 1/9/2020.	N/A		
5.	Ultramar Inc. dba Valero Wilmington Refinery Case No. 3845-97 (N. Feldman)	202(a) 203(b) 2004(f)(1) 3002(c)	Petitioner conducting maintenance during refinery turnaround	Not Opposed/Granted	RV and AOC granted commencing 11/07/17 and continuing through 3/15/18, or until final compliance is achieved, whichever occurs first.	SOx: 1,010 lbs/total		

Acronyms

AOC: Alternative Operating Conditions CO: Carbon Monoxide EV: Emergency Variance H&S: Health & Safety Code ICE: Internal Combustion Engine IV: Interim Variance LFG: Land Fill Gas MFCD/EXT: Modification of a Final Compliance Date & Extension of Variance Mod. O/A: Modification of an Order for Abatement N/A: Not Applicable NOx: Oxides of Nitrogen O/A: Order for Abatement RV: Regular Variance SOx: Oxides of Sulfur SV: Short Variance

	Rules from which Variances and Orders for Abatement were Requested in 2017													
			- ·								•			
# of UD Actions Involving Dulas	2017	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
# of HB Actions Involving Rules			1	4	4		1					4		
202(a)		4	1	1	1		1					1		5 5
203(a) 203(b)		1 6	4	6	3	3	5	4	3	1	3	2		40
		0	4	0	3	3	5	4	1	1	3	2		40
401(b)(1) 402		2	2	3	1	1		1	1					11
402 403(d)(1)		2	Z	3	1	1		1	1					1
403(d)(2)					1									1
403(d)(2) 403(d)(3)					1									1
442			2		1									2
442 461(e)(2)			2			1								2
461(e)(2) 461(e)(1)						- 1	1							1
461(e)(3)			1				1							1
1110.2			1					1	1			1		3
1110.2(d)(1)(B), Table II		1					1	1	1			1		4
1110.2(d)(1)(L)							1	I	1					4
1110.2(d)(2)(A)(ii)							1	1						1
1146							1							1
1147		1												1
1147(c)		- 1	1	1			1							3
1153.1(c)(3)						1								1
1153.1(c)(6)						1								1
1176(f)(3)		1				-								1
1420 (e)(2)		•										1		1
1470(c)(3)(C)(iii)			1											1
1703			•					1	1			1		3
2004(f)(1)		6	1	3	2	1		2	2		1	1		19
2011(c)(2)		-	1		_				_			1		2
2012(c)(2)(A)			-	1										1
2012(c)(3)(A)				1										1
3002					_		1	_						1
3002(a)			1											1
3002(c)					_	1		_				1		2
3002(c)(1)		3	4	4	2		1	4	2	1	1	1		23
H&S 41700		2	2	3	1	1		1	1					11

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DISTRICT RULES AND REGULATIONS INDEX FOR 2017 HEARING BOARD CASES AS OF November 30, 2017

REGULATION II – PERMITS

Rule 202 Temporary Permit to Operate

Rule 203 Permit to Operate

REGULATION IV – PROHIBITIONS

- Rule 401 Visible Emissions
- Rule 402 Nuisance
- Rule 403 Fugitive Dust
- Rule 442 Usage of Solvents
- Rule 461 Gasoline Transfer and Dispensing

REGULATION XI - SOURCE SPECIFIC STANDARDS

- Rule 1110.2 Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines
- Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters
- Rule 1147 NOx Reductions from Miscellaneous Sources
- Rule 1153 Commercial Bakery Ovens
- Rule 1176 Sumps and Wastewater Separators

REGULATION XIV – TOXICS

- Rule 1420 Emissions Standard for Lead
- Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Ignition Engines

REGULATION XVII - PREVENTION OF SIGNIFICANT DETERIORATION (PSD)

Rule 1703 PSD Analysis

REGULATION XX - REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

- Rule 2004 Requirements
- Rule 2011 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SOx) Emissions
- Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NOx) Emissions

REGULATION XXX - TITLE V PERMITS

Rule 3002 Requirements

CALIFORNIA HEALTH AND SAFETY CODE

- §41700 Prohibited Discharges
- §41701 Restricted Discharges